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Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _29-69_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _29-69_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1.   Applicant's arguments with respect to the amended claims have been considered

but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3.   Claims 29-36 and 38-69 are met rejected under 35 U.S.C. 103(a) as being

unpatentable over Lemelson et al. (US Pat No 5,823,788) in view of Vogel (US Pat No

5,543,015) and further in view of Van Kohorn (US Pat No 5,249,044).

Lemelson discloses an interactive educational system where a student's

participation may be verified and the student's progress may be tracked.

In regard to claims 29 and 33, the claimed limitation of "entry means through

which a viewer of an audiovisual program enters a confirmation code to the audiovisual

program, each time a viewing confirmation code is presented to the viewer" and "the

viewing confirmation code entered being transmitted to a principal who authenticates

viewing of the audiovisual program" is met by Figures 1-2. "After the student inputs a

response or a series of responses and enables the input device 13(s) to transmit it to

the base station 11, the microprocessor 30 transmits to the base station 11 both

response indicia representative of the response (which may be the response itself

and/or a code identifying the response) and the identifier code provided by the identifier

memory 32, so that the base station 11 can associate the response indicia to the

particular student (or to the input device 13(s), which, in turn, is assigned to the student)

and thereby disambiguate response indicia provided by each student" (Col 5, Lines 66-

67; Col 6, Lines 1-10). Where the principal is the operator of the base station 11. The

claimed limitation of "the confirmation viewing code being presented by a program-

providing principle at a time specific to the audiovisual program" is met by Figure 8.

"Returning to step 434, if the microprocessor 40 determines in that step that the

message pertains to setting response timer parameters, it sequences to step 442, in

which a response timer (not shown) is set to control, for example, the allowed time for

particular student(s) or all students to respond to particular question(s) or all questions"

(Col 13, Lines 47-52). The user presents the response to a particular program, which is

represented by a code. The claimed limitation of "transmitting means for transmitting to

the principal who authenticates viewing of the audiovisual program the viewing

confirmation code entered and time information corresponding to the viewing

confirmation code" is met by Figures 3 and 7. The "microprocessor 40 determines in

step 391 that the output message buffer enabled flag is clear, indicating that the

message buffer does not contain a previous unacknowledged message, it loads the

information into the output buffer and adds time and identifier codes obtained from the

identifier store 32 (step 393) and sets the output message buffer enabled flag (step

395). Thereafter, the transceiver 33 can transmit the message to the base station, and

the microprocessor 40 will return to step 375 to await new input" (Col 11, Lines 19-28).

Lemelson fails to disclose a viewing code that is identical to the viewing code where the

code is transmitted after the presentation of the program. Van Kohorn teaches a

viewing code that is identical to the viewing code where the code is transmitted after the

presentation of the program so as to act as a safeguard against cheating (See Col 5-6,

Lines 52-4; Col 6, Lines 23-45; Col 6, Lines 23-45). Consequently, it would have been

obvious to one of ordinary skill in the art to modify Lemelson with a viewing code that is

identical to the viewing code where the code is transmitted after the presentation of the

program for the stated advantage. The combined teaching fails to explicitly disclose,

"for comparing the time information with the time specific to the respective audiovisual

program." The Vogel reference teaches "for comparing the time information with the

time specific to the respective audiovisual program" so as to verify that responses are

recorded within a defined time window to protect against cheating (Col 8, Lines 5-40;

Col 11, Lines 10-21). Consequently, it would have been obvious to one of ordinary skill

in the art to modify the combined teaching with "for comparing the time information with

the time specific to the respective audiovisual program" so as to verify that responses

are recorded within a defined time window to protect against cheating.

In regard to claim 31, the claimed limitation that the "entry means includes an

input interface of a computer, and the time information corresponding to the viewing

confirmation code is obtained from a clock function of the computer" is met by Figures 3

and 4. The input interface is met by the student keypad 23 of Figure 3. If "the

microprocessor 40 determines in step 391 that the output message buffer enabled flag

is clear, indicating that the message buffer does not contain a previous

unacknowledged message, it loads the information into the output buffer and adds time

and identifier codes obtained from the identifier store 32 (step 393) and sets the output

message buffer enabled flag (step 395). Thereafter, the transceiver 33 can transmit the

message to the base station, and the microprocessor 40 will return to step 375 to await

new input" (Col 11, Lines 19-28). The clock function of the computer is met by the time

code generator 39 of Figure 4.

In regard to claim 32, the combined teaching discloses an interactive education

system and method. The reference discloses the transmission of audiovisual programs

over a network. "The instructor is provided with a computer- or microprocessor-

controlled base station, and each student is provided with an electronic communicator

as an input device which is linked to the base computer by a communication network or

link such as one employing one or more wires, optical fibers, radio links, infrared links,

LANs (local area networks), WANs (wide area networks) or the like" (Col 1, Lines 41-

48). The reference fails to explicitly disclose that the audiovisual program is a

broadcast program. However, the examiner takes OFFICIAL NOTICE that it is

notoriously well known in the art to transmit an audiovisual program as a broadcast

program so as to utilize the far-reaching infrastructure of the broadcast system.

Consequently, it would have been obvious to one of ordinary skill in the art to implement

combined teaching with transmitting an audiovisual program as a broadcast program so

as to utilize the far-reaching infrastructure of the broadcast system.

In regard to claim 34, the claimed limitation that "the transmission by the transmitting means is made through a computer-readable medium" is met by Figure 1. "The instructor is provided with a computer- or microprocessor-controlled base station, and each student is provided with an electronic communicator as an input device which is linked to the base computer by a communication network or link such as one employing one or more wires, optical fibers, radio links, infrared links, LANs (local area networks), WANs (wide area networks) or the like" (Col 1, Lines 41-48).

In regard to claim 35, the Lemelson reference discloses an interactive education system and method. The reference fails to explicitly disclose that the confirmation code is transmitted at any time. However, the examiner takes OFFICIAL NOTICE that it is notoriously well known in the art to transmit information at any time so as to reduce the burden on the network. Consequently, it would have been obvious to one of ordinary skill in the art to implement Lemelson with the confirmation code is transmitted at any time so as to reduce the burden on the network.

In regard to claim 36, the claimed limitation that "the audiovisual program is provided through a reproducible medium" is met by Figure 3. "The program/data memory 31 stores a program and provides additional storage space (such as RAM storage) for holding data to be used in connection with the program, such as storing student responses prior to transmission to the base station 11" (Col 5, Lines 59-63). Where the RAM storage is a reproducible medium.

In regard to claim 37, the combined teaching reference discloses an interactive education system and method. The reference fails to explicitly disclose if reproduction

of the reproducible medium is interrupted temporarily, the transmitting means transmits

a medium interruption code. However, the examiner takes OFFICIAL NOTICE that it is

notoriously well known in the art to send feedback indicating an error in transmission so

as to notify the send of a problem. Consequently, it would have been obvious to one of

ordinary skill in the art to implement the combined teaching with feedback indicating an

error in transmission so as to notify the send of a problem.

In regard to claim 38, the claimed limitation of "code presenting means for

presenting a viewing confirmation code specific to a respective audiovisual program" is

met by Figure 8. "Returning to step 434, if the microprocessor 40 determines in that

step that the message pertains to setting response timer parameters, it sequences to

step 442, in which a response timer (not shown) is set to control, for example, the

allowed time for particular student(s) or all students to respond to particular question(s)

or all questions" (Col 13, Lines 47-52). The user presents the response to a particular

program, which is represented by a code. The input device of the disclosed system

meets the code presenting means, because the user uses the input device to present

the response to the system.

In regard to claim 39, the claimed limitation of "means for calculating an entry

time interval of the viewing confirmation code from the entry time point transmitted from

the audiovisual terminal as recited in claim 29" is met by Figures 3 and 4. "Returning to

step 434, if the microprocessor 40 determines in that step that the message pertains to

setting response timer parameters, it sequences to step 442, in which a response timer

(not shown) is set to control, for example, the allowed time for particular student(s) or all students to respond to particular question(s) or all questions" (Col 13, Lines 47-52). Also, the "microprocessor 40 determines in step 391 that the output message buffer enabled flag is clear, indicating that the message buffer does not contain a previous unacknowledged message, it loads the information into the output buffer and adds time and identifier codes obtained from the identifier store 32 (step 393) and sets the output message buffer enabled flag (step 395). Thereafter, the transceiver 33 can transmit the message to the base station, and the microprocessor 40 will return to step 375 to await new input" (Col 11, Lines 19-28). The reference fails to explicitly disclose "means for comparing the entry time interval calculated by the means" or "means for determining that the viewer is viewing a respective broadcast program if the entry time interval is in agreement with the presentation interval, within a range". The Vogel reference teaches "means for comparing the entry time interval calculated by the means" and "means for determining that the viewer is viewing a respective broadcast program if the entry time interval is in agreement with the presentation interval, within a range" so as to verify that responses are recorded within a defined time window to protect against cheating (Col 8, Lines 5-40; Col 11, Lines 10-21). Consequently, it would have been obvious to one of ordinary skill in the art to modify Lemelson with "means for comparing the entry time interval calculated by the means" and "means for determining that the viewer is viewing a respective broadcast program if the entry time interval is in agreement with the presentation interval, within a range" so as to verify that responses are recorded within a defined time window to protect against cheating.

In regard to claim 40, the Lemelson reference discloses an interactive education system and method. The reference fails to explicitly disclose "means for comparing an entry time point of a viewing confirmation code transmitted from the audiovisual terminal as recited in claim 29, with an elapsed time from a base time, of the viewing confirmation code presented on the audiovisual terminal" or "means for determining, from the means for comparing, that the viewer is viewing a respective broadcast program if an entry time point is in agreement with the elapsed time, within a range". The Vogel reference teaches "means for comparing the entry time interval calculated by the means" or "means for determining that the viewer is viewing a respective broadcast program if the entry time interval is in agreement with the presentation interval, within a range" so as to verify that responses are recorded within a defined time window to protect against cheating (Col 8, Lines 5-40; Col 11, Lines 10-21). Consequently, it would have been obvious to one of ordinary skill in the art to modify Lemelson with "means for comparing the entry time interval calculated by the means" and "means for determining that the viewer is viewing a respective broadcast program if the entry time interval is in agreement with the presentation interval, within a range" so as to verify that responses are recorded within a defined time window to protect against cheating.

In regard to claim 41, the claimed limitation of "a program viewing result file for storing a viewing confirmation code transmitted from the audiovisual terminal as recited in claim 29" is met by Figure 1. "By transmitting both the station identifier as well as the student's response to the base station 11, the base station 11 can generate response statistics not only for the class as a whole, but also for individual students in the class,

so that base station 11 can provide information as to the individual student's progress in

the class to the instructor" (Col 4, Lines 16-22). The reference fails to explicitly disclose

that the "viewing confirmation code" or the student responses are stored in a file.

However, the examiner takes OFFICIAL NOTICE that it is notoriously well know in the

art store information in the form of a file so as to recall the data at a later time.

Consequently, it would have been obvious to one of ordinary skill in the art to implement

the combined teaching with storing the "viewing confirmation code" or the student

responses as a file so as to recall the data at a later time. It is implied that there is a

program authentication pattern storage means in order to compare the program

authentication pattern with the "viewing confirmation code" or the student responses so

as to determine if the "viewing confirmation code" or the student responses are correct.

In regard to claim 42, the Lemelson reference discloses an interactive education

system and method. The reference fails to explicitly disclose "means for comparing the

entry time interval transmitted from the audiovisual terminal as recited in claim 29, with

a presentation interval of the viewing confirmation code presented on the audiovisual

terminal" or "means for determining, from the means for comparing, that the viewer is

viewing a respective broadcast program if the entry time interval is in agreement with

the presentation interval, within a range". The Vogel reference teaches "means for

comparing the entry time interval transmitted from the audiovisual terminal as recited in

claim 29, with a presentation interval of the viewing confirmation code presented on the

audiovisual terminal" and "means for determining, from the means for comparing, that

the viewer is viewing a respective broadcast program if the entry time interval is in

agreement with the presentation interval, within a range" so as to verify that responses are recorded within a defined time window to protect against cheating (Col 8, Lines 5-40; Col 11, Lines 10-21). Consequently, it would have been obvious to one of ordinary skill in the art to modify Lemelson with "means for comparing the entry time interval transmitted from the audiovisual terminal as recited in claim 29, with a presentation interval of the viewing confirmation code presented on the audiovisual terminal" and "means for determining, from the means for comparing, that the viewer is viewing a respective broadcast program if the entry time interval is in agreement with the presentation interval, within a range" so as to verify that responses are recorded within a defined time window to protect against cheating.

In regard to claim 43, the claimed limitation of "entry means through which a viewer of an audiovisual program enters a confirmation code to the audiovisual program, each time a viewing confirmation code is presented to the viewer" and "the viewing confirmation code entered being transmitted to a principal who authenticates viewing of the audiovisual program" is met by Figures 1-2. "After the student inputs a response or a series of responses and enables the input device 13(s) to transmit it to the base station 11, the microprocessor 30 transmits to the base station 11 both response indicia representative of the response (which may be the response itself and/or a code identifying the response) and the identifier code provided by the identifier memory 32, so that the base station 11 can associate the response indicia to the particular student (or to the input device 13(s), which, in turn, is assigned to the student) and thereby disambiguate response indicia provided by each student" (Col 5, Lines 66-

67; Col 6, Lines 1-10). Where the principal is the operator of the base station 11. The

claimed limitation of "the confirmation viewing code being presented by a program-

providing principle at a time specific to the audiovisual program" is met by Figure 8.

"Returning to step 434, if the microprocessor 40 determines in that step that the

message pertains to setting response timer parameters, it sequences to step 442, in

which a response timer (not shown) is set to control, for example, the allowed time for

particular student(s) or all students to respond to particular question(s) or all questions"

(Col 13, Lines 47-52). The user presents the response to a particular program, which is

represented by a code. The claimed limitation of "means for storing the viewing

confirmation code entered and time information corresponding presentation and entry of

the viewing confirmation code" is met by Figure 3. "The program/data memory 31

stores a program and provides additional storage space (such as RAM storage) for

holding data to be used in connection with the program, such as storing student

responses prior to transmission to the base station 11" (Col 5, Lines 59-63). The

claimed limitation of "means for transmitting, after ending of the audiovisual program,

from the means of storing, the viewing confirmation code and the time information from

the means for storing and corresponding to the viewing confirmation code, to the ·

principal" is met by Figures 3 and 7. The "microprocessor 40 determines in step 391

that the output message buffer enabled flag is clear, indicating that the message buffer

does not contain a previous unacknowledged message, it loads the information into the

output buffer and adds time and identifier codes obtained from the identifier store 32

(step 393) and sets the output message buffer enabled flag (step 395). Thereafter, the

transceiver 33 can transmit the message to the base station, and the microprocessor 40

will return to step 375 to await new input" (Col 11, Lines 19-28). Lemelson fails to

disclose a viewing code that is identical to the viewing code where the code is

transmitted after the presentation of the program. Van Kohorn teaches a viewing code

that is identical to the viewing code where the code is transmitted after the presentation

of the program so as to act as a safeguard against cheating (See Col 5-6, Lines 52-4;

Col 6, Lines 23-45; Col 6, Lines 23-45). Consequently, it would have been obvious to

one of ordinary skill in the art to modify Lemelson with a viewing code that is identical to

the viewing code where the code is transmitted after the presentation of the program for

the stated advantage. The combined teaching fails to explicitly disclose, "for comparing

the time information with the time specific to the respective audiovisual program." The

Vogel reference teaches "for comparing the time information with the time specific to the

respective audiovisual program" so as to verify that responses are recorded within a

defined time window to protect against cheating (Col 8, Lines 5-40; Col 11, Lines 10-

21). Consequently, it would have been obvious to one of ordinary skill in the art to

modify the combined teaching with "for comparing the time information with the time

specific to the respective audiovisual program" so as to verify that responses are

recorded within a defined time window to protect against cheating.

In regard to claim 44, the claimed limitation of "code presenting means for

presenting a viewing confirmation code specific to a respective audiovisual program" is

met by Figure 8. "Returning to step 434, if the microprocessor 40 determines in that

step that the message pertains to setting response timer parameters, it sequences to

step 442, in which a response timer (not shown) is set to control, for example, the

allowed time for particular student(s) or all students to respond to particular question(s)

or all questions" (Col 13, Lines 47-52). The user presents the response to a particular

program, which is represented by a code. The input device of the disclosed system

meets the code presenting means, because the user uses the input device to present

the response to the system.

In regard to claim 45, the claimed limitation of "means for calculating an entry

time interval of the viewing confirmation code from the entry time point transmitted from

the audiovisual terminal as recited in claim 29" is met by Figures 3 and 4. "Returning to

step 434, if the microprocessor 40 determines in that step that the message pertains to

setting response timer parameters, it sequences to step 442, in which a response timer

(not shown) is set to control, for example, the allowed time for particular student(s) or all

students to respond to particular question(s) or all questions" (Col 13, Lines 47-52).

Also, the "microprocessor 40 determines in step 391 that the output message buffer

enabled flag is clear, indicating that the message buffer does not contain a previous

unacknowledged message, it loads the information into the output buffer and adds time

and identifier codes obtained from the identifier store 32 (step 393) and sets the output

message buffer enabled flag (step 395). Thereafter, the transceiver 33 can transmit the

message to the base station, and the microprocessor 40 will return to step 375 to await

new input" (Col 11, Lines 19-28). The reference fails to explicitly disclose "means for

comparing the entry time interval calculated by the means" or "means for determining

that the viewer is viewing a respective broadcast program if the entry time interval is in

agreement with the presentation interval, within a range". The Vogel reference teaches "means for comparing the entry time interval calculated by the means" or "means for determining that the viewer is viewing a respective broadcast program if the entry time interval is in agreement with the presentation interval, within a range" so as to verify that responses are recorded within a defined time window to protect against cheating (Col 8, Lines 5-40; Col 11, Lines 10-21). Consequently, it would have been obvious to one of ordinary skill in the art to modify Lemelson with "means for comparing the entry time interval calculated by the means" and "means for determining that the viewer is viewing a respective broadcast program if the entry time interval is in agreement with the presentation interval, within a range" so as to verify that responses are recorded within a defined time window to protect against cheating.

In regard to claim 46, the claimed limitation of "means for determining scores based on a comparison carried out by the means for comparing" is met by Figure 4. "The base station 11 also includes several response score computer elements 52 through 54 for generating individual response information and class response statistics for the students in response to questions presented by the instructor. In particular, the base station 11 includes a student score generation element 52 including a student score computer 55 and a private memory 56 that stores individual responses from the students and for use by the student score computer in generating scoring information for the instructor" (Col 6, Lines 66-67; Col 7, Lines 1-7).

In regard to claim 47, the Lemelson reference discloses an interactive education system and method. The reference fails to explicitly disclose "means for comparing an

entry time point of a viewing confirmation code transmitted from the audiovisual terminal

as recited in claim 43, with an elapsed time from a base time, of the viewing

confirmation code presented on the audiovisual terminal" or "means for determining,

from the means for comparing, that the viewer is viewing a respective broadcast

program if an entry time point is in agreement with the elapsed time, within a range".

The Vogel reference teaches "means for comparing an entry time point of a viewing

confirmation code transmitted from the audiovisual terminal as recited in claim 43, with

an elapsed time from a base time, of the viewing confirmation code presented on the

audiovisual terminal" and "means for determining, from the means for comparing, that

the viewer is viewing a respective broadcast program if an entry time point is in

agreement with the elapsed time, within a range" so as to verify that responses are

recorded within a defined time window to protect against cheating (Col 8, Lines 5-40;

Col 11, Lines 10-21). Consequently, it would have been obvious to one of ordinary skill

in the art to modify Lemelson with "means for comparing an entry time point of a viewing

confirmation code transmitted from the audiovisual terminal as recited in claim 43, with

an elapsed time from a base time, of the viewing confirmation code presented on the

audiovisual terminal" and "means for determining, from the means for comparing, that

the viewer is viewing a respective broadcast program if an entry time point is in

agreement with the elapsed time, within a range" so as to verify that responses are

recorded within a defined time window to protect against cheating.

In regard to claim 48, the claimed limitation of "a program viewing result file for

storing a viewing confirmation code transmitted from the audiovisual terminal as recited

in claim 43" is met by Figure 1. "By transmitting both the station identifier as well as the student's response to the base station 11, the base station 11 can generate response statistics not only for the class as a whole, but also for individual students in the class, so that base station 11 can provide information as to the individual student's progress in the class to the instructor" (Col 4, Lines 16-22). The combined teaching fails to explicitly disclose that the "viewing confirmation code" or the student responses are stored in a file. However, the examiner takes OFFICIAL NOTICE that it is notoriously well know in the art store information in the form of a file so as to recall the data at a later time. Consequently, it would have been obvious to one of ordinary skill in the art to implement the combined teaching with storing the "viewing confirmation code" or the student responses as a file so as to recall the data at a later time. It is implied that there is program authentication pattern storage means in order to compare the program authentication pattern with the "viewing confirmation code" or the student responses so as to determine if the "viewing confirmation code" or the student responses are correct.

In regard to claim 49, the Lemelson reference discloses an interactive education system and method. The reference fails to explicitly disclose "means for comparing the entry time interval transmitted from the audiovisual terminal as recited in claim 43, with a presentation interval of the viewing confirmation code presented on the audiovisual terminal" or "means for determining, from the means for comparing, that the viewer is viewing a respective broadcast program if the entry time interval is in agreement with the presentation interval, within a range". The Vogel reference teaches "means for comparing the entry time interval transmitted from the audiovisual terminal as recited in

claim 29, with a presentation interval of the viewing confirmation code presented on the

audiovisual terminal" and "means for determining, from the means for comparing, that

the viewer is viewing a respective broadcast program if the entry time interval is in

agreement with the presentation interval, within a range" so as to verify that responses

are recorded within a defined time window to protect against cheating (Col 8, Lines 5-

40; Col 11, Lines 10-21). Consequently, it would have been obvious to one of ordinary

skill in the art to modify Lemelson with "means for comparing the entry time interval

transmitted from the audiovisual terminal as recited in claim 29, with a presentation

interval of the viewing confirmation code presented on the audiovisual terminal" and

"means for determining, from the means for comparing, that the viewer is viewing a

respective broadcast program if the entry time interval is in agreement with the

presentation interval, within a range" so as to verify that responses are recorded within

a defined time window to protect against cheating.

Claims 50 and 65-67 are met by that discussed above for claims 29 and 43.

In regard to claim 51, the claimed limitation of "providing an audiovisual program"

is met by Figure 1-3. The claimed limitation "presenting a viewing confirmation code for

the audiovisual program to a viewer of the audiovisual program, the viewing

confirmation code being presented at a time specific to the audiovisual program" is met

by Figures 3 and 4. The Lemelson reference presents a question indicative of the

"viewing confirmation code" which is specific to the program watched. The claimed

limitation of "receiving from the audiovisual terminal a transmission with respect to the

viewing confirmation code entered and time information corresponding to the viewing

confirmation code entered" is met by Figure 4. "After the student inputs a response or a

series of responses and enables the input device 13(s) to transmit it to the base station

11, the microprocessor 30 transmits to the base station 11 both response indicia

representative of the response (which may be the response itself and/or a code

identifying the response) and the identifier code provided by the identifier memory 32,

so that the base station 11 can associate the response indicia to the particular student

(or to the input device 13(s), which, in turn, is assigned to the student) and thereby

disambiguate response indicia provided by each student" (Col 5, Lines 66-67; Col 6,

Lines 1-10). Lemelson fails to disclose a viewing code that is identical to the viewing

code where the code is transmitted after the presentation of the program. Van Kohorn

teaches a viewing code that is identical to the viewing code where the code is

transmitted after the presentation of the program so as to act as a safeguard against

cheating (See Col 5-6, Lines 52-4; Col 6, Lines 23-45; Col 6, Lines 23-45).

Consequently, it would have been obvious to one of ordinary skill in the art to modify

Lemelson with a viewing code that is identical to the viewing code where the code is

transmitted after the presentation of the program for the stated advantage. The

combined teaching fails to explicitly disclose, "determining whether the viewer is viewing

a respective broadcast program based upon the viewing confirmation code received

and the time information." The Vogel reference teaches "determining whether the

viewer is viewing a respective broadcast program based upon the viewing confirmation

code received and the time information" so as to verify that responses are recorded

within a defined time window to protect against cheating (Col 8, Lines 5-40; Col 11,

Lines 10-21). Consequently, it would have been obvious to one of ordinary skill in the art to modify the combined teaching with "determining whether the viewer is viewing a respective broadcast program based upon the viewing confirmation code received and the time information" so as to verify that responses are recorded within a defined time window to protect against cheating.

In regard to claim 52, the claimed limitation of "audiovisual programs for education are provided to learners" is met by Figure 1. The claimed limitation "viewing by the learners is authenticated with the viewing authentication method as recited in claim 51" is met by Figures 1-2. "After the student inputs a response or a series of responses and enables the input device 13(s) to transmit it to the base station 11, the microprocessor 30 transmits to the base station 11 both response indicia representative of the response (which may be the response itself and/or a code identifying the response) and the identifier code provided by the identifier memory 32, so that the base station 11 can associate the response indicia to the particular student (or to the input device 13(s), which, in turn, is assigned to the student) and thereby disambiguate response indicia provided by each student" (Col 5, Lines 66-67; Col 6, Lines 1-10).

In regard to claim 53, the claimed limitation of "providing an audiovisual program" is met by Figure 1-3. The claimed limitations "presenting a viewing confirmation code for the audiovisual program to a viewer of the audiovisual program, the viewing confirmation code being presented at a time specific to the audiovisual program" and "the viewing confirmation code entered and time information corresponding thereto are stored in an audiovisual terminal" are met by Figures 3 and 4. The Lemelson reference

presents a question indicative of the "viewing confirmation code" which is specific to the

program watched. The "microprocessor 40 determines in step 391 that the output

message buffer enabled flag is clear, indicating that the message buffer does not

contain a previous unacknowledged message, it loads the information into the output

buffer and adds time and identifier codes obtained from the identifier store 32 (step 393)

and sets the output message buffer enabled flag (step 395). Thereafter, the transceiver

33 can transmit the message to the base station, and the microprocessor 40 will return

to step 375 to await new input" (Col 11, Lines 19-28). The claimed limitation of

"receiving the viewing confirmation code stored and the time information corresponding

thereto transmitted from the audiovisual terminal after ending of the audiovisual

program" is met by Figure 4. "After the student inputs a response or a series of

responses and enables the input device 13(s) to transmit it to the base station 11, the

microprocessor 30 transmits to the base station 11 both response indicia representative

of the response (which may be the response itself and/or a code identifying the

response) and the identifier code provided by the identifier memory 32, so that the base

station 11 can associate the response indicia to the particular student (or to the input

device 13(s), which, in turn, is assigned to the student) and thereby disambiguate

response indicia provided by each student" (Col 5, Lines 66-67; Col 6, Lines 1-10).

Lemelson fails to disclose a viewing code that is identical to the viewing code where the

code is transmitted after the presentation of the program. Van Kohorn teaches a

viewing code that is identical to the viewing code where the code is transmitted after the

presentation of the program so as to act as a safeguard against cheating (See Col 5-6,

Lines 52-4; Col 6, Lines 23-45; Col 6, Lines 23-45). Consequently, it would have been

obvious to one of ordinary skill in the art to modify Lemelson with a viewing code that is

identical to the viewing code where the code is transmitted after the presentation of the

program for the stated advantage. The combined teaching fails to explicitly disclose,

"determining whether the viewer is viewing the audiovisual program based upon the

viewing confirmation code received and the time information." The Vogel reference

teaches "determining whether the viewer is viewing a respective broadcast program

based upon the viewing confirmation code received and the time information" so as to

verify that responses are recorded within a defined time window to protect against

cheating (Col 8, Lines 5-40; Col 11, Lines 10-21). Consequently, it would have been

obvious to one of ordinary skill in the art to modify the combined teaching with

"determining whether the viewer is viewing a respective broadcast program based upon

the viewing confirmation code received and the time information" so as to verify that

responses are recorded within a defined time window to protect against cheating.

In regard to claim 54, the claimed limitation of "audiovisual programs for

education are provided to learners" is met by Figure 1. The claimed limitation "viewing

by the learners is authenticated with the viewing authentication method as recited in

claim 53" is met by Figures 1-2. "After the student inputs a response or a series of

responses and enables the input device 13(s) to transmit it to the base station 11, the

microprocessor 30 transmits to the base station 11 both response indicia representative

of the response (which may be the response itself and/or a code identifying the

response) and the identifier code provided by the identifier memory 32, so that the base

station 11 can associate the response indicia to the particular student (or to the input

device 13(s), which, in turn, is assigned to the student) and thereby disambiguate

response indicia provided by each student" (Col 5, Lines 66-67; Col 6, Lines 1-10).

In regard to claim 55, the claimed limitation of "providing an audiovisual program"

is met by Figure 1-3. The claimed limitations "presenting a viewing confirmation code

for the audiovisual program to a viewer of the audiovisual program, the viewing

confirmation code being presented at a time specific to the audiovisual program" and

"the viewing confirmation code entered and time information corresponding thereto are

stored in an audiovisual terminal" are met by Figures 3 and 4. The Lemelson reference

presents a question indicative of the "viewing confirmation code" which is specific to the

program watched. The "microprocessor 40 determines in step 391 that the output

message buffer enabled flag is clear, indicating that the message buffer does not

contain a previous unacknowledged message, it loads the information into the output

buffer and adds time and identifier codes obtained from the identifier store 32 (step 393)

and sets the output message buffer enabled flag (step 395). Thereafter, the transceiver

33 can transmit the message to the base station, and the microprocessor 40 will return

to step 375 to await new input" (Col 11, Lines 19-28). The claimed limitation of

"receiving a transmission with respect to the viewing confirmation code entered and an

entry time point of the viewing confirmation code from the audiovisual terminal" is met

by Figure 4. "After the student inputs a response or a series of responses and enables

the input device 13(s) to transmit it to the base station 11, the microprocessor 30

transmits to the base station 11 both response indicia representative of the response

(which may be the response itself and/or a code identifying the response) and the

identifier code provided by the identifier memory 32, so that the base station 11 can

associate the response indicia to the particular student (or to the input device 13(s),

which, in turn, is assigned to the student) and thereby disambiguate response indicia

provided by each student" (Col 5, Lines 66-67; Col 6, Lines 1-10). The claimed

limitation of "calculating an entry time interval of the viewing confirmation code from the

entry time point transmitted from the audiovisual terminal as recited in claim 29" is met

by Figures 3 and 4. "Returning to step 434, if the microprocessor 40 determines in that

step that the message pertains to setting response timer parameters, it sequences to

step 442, in which a response timer (not shown) is set to control, for example, the

allowed time for particular student(s) or all students to respond to particular question(s)

or all questions" (Col 13, Lines 47-52). Also, the "microprocessor 40 determines in step

391 that the output message buffer enabled flag is clear, indicating that the message

buffer does not contain a previous unacknowledged message, it loads the information

into the output buffer and adds time and identifier codes obtained from the identifier

store 32 (step 393) and sets the output message buffer enabled flag (step 395).

Thereafter, the transceiver 33 can transmit the message to the base station, and the

microprocessor 40 will return to step 375 to await new input" (Col 11, Lines 19-28).

Lemelson fails to disclose a viewing code that is identical to the viewing code where the

code is transmitted after the presentation of the program. Van Kohorn teaches a

viewing code that is identical to the viewing code where the code is transmitted after the

presentation of the program so as to act as a safeguard against cheating (See Col 5-6,

Lines 52-4; Col 6, Lines 23-45; Col 6, Lines 23-45). Consequently, it would have been obvious to one of ordinary skill in the art to modify Lemelson with a viewing code that is identical to the viewing code where the code is transmitted after the presentation of the program for the stated advantage. The combined teaching fails to explicitly disclose "comparing the entry time interval calculated with a presented interval of the viewing confirmation code" or "determining that the viewer is viewing a respective broadcast program if the entry time interval is in agreement with the interval of the viewing confirmation code, within a range". The Vogel reference teaches "comparing the entry time interval calculated with a presented interval of the viewing confirmation code" and "determining that the viewer is viewing a respective broadcast program if the entry time interval is in agreement with the interval of the viewing confirmation code, within a range" so as to verify that responses are recorded within a defined time window to protect against cheating (Col 8, Lines 5-40; Col 11, Lines 10-21). Consequently, it would have been obvious to one of ordinary skill in the art to modify the combined teaching with "comparing the entry time interval calculated with a presented interval of the viewing confirmation code" and "determining that the viewer is viewing a respective broadcast program if the entry time interval is in agreement with the interval of the viewing confirmation code, within a range" so as to verify that responses are recorded within a defined time window to protect against cheating.

In regard to claim 56, the claimed limitation of "audiovisual programs for education are provided to learners" is met by Figure 1. The claimed limitation "viewing by the learners is authenticated with the viewing authentication method as recited in

claim 53" is met by Figures 1-2. "After the student inputs a response or a series of responses and enables the input device 13(s) to transmit it to the base station 11, the microprocessor 30 transmits to the base station 11 both response indicia representative of the response (which may be the response itself and/or a code identifying the response) and the identifier code provided by the identifier memory 32, so that the base station 11 can associate the response indicia to the particular student (or to the input device 13(s), which, in turn, is assigned to the student) and thereby disambiguate response indicia provided by each student" (Col 5, Lines 66-67; Col 6, Lines 1-10).

Claims 57, 61, 63 and 68-69 are met by that discussed above for claims 51, 53 and 55.

In regard to claim 58, the claimed limitation of "audiovisual programs for education are provided to learners" is met by Figure 1. The claimed limitation "viewing by the learners is authenticated with the viewing authentication method as recited in claim 53" is met by Figures 1-2. "After the student inputs a response or a series of responses and enables the input device 13(s) to transmit it to the base station 11, the microprocessor 30 transmits to the base station 11 both response indicia representative of the response (which may be the response itself and/or a code identifying the response) and the identifier code provided by the identifier memory 32, so that the base station 11 can associate the response indicia to the particular student (or to the input device 13(s), which, in turn, is assigned to the student) and thereby disambiguate response indicia provided by each student" (Col 5, Lines 66-67; Col 6, Lines 1-10).

In regard to claim 59, the claimed limitations are met by that discuses above for claims 51, 53 and 55. However, the combined teaching fails to explicitly disclose that the "viewing confirmation code" or the student responses are stored in a file. However, the examiner takes OFFICIAL NOTICE that it is notoriously well know in the art store information in the form of a file so as to recall the data at a later time. Consequently, it would have been obvious to one of ordinary skill in the art to implement the combined teaching with storing the "viewing confirmation code" or the student responses as a file so as to recall the data at a later time. It is implied that there is program authentication pattern storage means in order to compare the program authentication pattern with the "viewing confirmation code" or the student responses so as to determine if the "viewing confirmation code" or the student responses are correct.

In regard to claim 60, the claimed limitation of "audiovisual programs for education are provided to learners" is met by Figure 1. The claimed limitation "viewing by the learners is authenticated with the viewing authentication method as recited in claim 53" is met by Figures 1-2. "After the student inputs a response or a series of responses and enables the input device 13(s) to transmit it to the base station 11, the microprocessor 30 transmits to the base station 11 both response indicia representative of the response (which may be the response itself and/or a code identifying the response) and the identifier code provided by the identifier memory 32, so that the base station 11 can associate the response indicia to the particular student (or to the input device 13(s), which, in turn, is assigned to the student) and thereby disambiguate response indicia provided by each student" (Col 5, Lines 66-67; Col 6, Lines 1-10).

In regard to claim 62, the claimed limitation of "audiovisual programs for education are provided to learners" is met by Figure 1. The claimed limitation "viewing by the learners is authenticated with the viewing authentication method as recited in claim 53" is met by Figures 1-2. "After the student inputs a response or a series of responses and enables the input device 13(s) to transmit it to the base station 11, the microprocessor 30 transmits to the base station 11 both response indicia representative of the response (which may be the response itself and/or a code identifying the response) and the identifier code provided by the identifier memory 32, so that the base station 11 can associate the response indicia to the particular student (or to the input device 13(s), which, in turn, is assigned to the student) and thereby disambiguate response indicia provided by each student" (Col 5, Lines 66-67; Col 6, Lines 1-10).

In regard to claim 64, the claimed limitation of "audiovisual programs for education are provided to learners" is met by Figure 1. The claimed limitation "viewing by the learners is authenticated with the viewing authentication method as recited in claim 53" is met by Figures 1-2. "After the student inputs a response or a series of responses and enables the input device 13(s) to transmit it to the base station 11, the microprocessor 30 transmits to the base station 11 both response indicia representative of the response (which may be the response itself and/or a code identifying the response) and the identifier code provided by the identifier memory 32, so that the base station 11 can associate the response indicia to the particular student (or to the input device 13(s), which, in turn, is assigned to the student) and thereby disambiguate response indicia provided by each student" (Col 5, Lines 66-67; Col 6, Lines 1-10).

4.   Claim 37 is met rejected under 35 U.S.C. 103(a) as being unpatentable over

Lemelson et al. in view of Vogel and further in view of Van Kohorn and further in view of

Bates et al. (US Pat No 6,681,396).

In regard to claim 37, the aforementioned combined teaching discloses the

transmission of codes from the remote station to the base station. The combined

teaching fails to disclose the generation of an interruption code. Bates teaches creating

interruption information or an interruption code so as to allow the user to resume the

viewing of a program (Col 5, Lines 32-61; Col 6, Lines 18-46). Consequently, it would

have been obvious to one of ordinary skill in the art to modify the combined teaching

with the generation of an interruption code for the stated advantage.

Conclusion

5.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to John Manning whose telephone number is 571-272-

7352. The examiner can normally be reached on M-F: 9:00 - 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, John W. Miller can be reached on 571-272-7353. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

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September 21, 2005

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